

## Absent.

Barrett.	Mayfield.
Faust.	Meachum.
Greer.	Paulus.
Griggs.	Stokes.
Harbison.	Terrell.
Harper.	Veale.

Senator Stone moved that Senate adjourn until 9:55 o'clock Monday morning. The motion prevailed by the following vote (Senator Barrett came in during the roll call):

## Yeas—12.

Alexander.	Masterson.
Brachfield.	Murray.
Cunningham.	Senter.
Glasscock.	Stone.
Hudspeth.	Watson.
Kellie.	Willacy.

## Nays—8.

Barrett.	Holsey.
Chambers.	Looney.
Green.	Skinner.
Grinnan.	Smith.

## Absent.

Faust.	Meachum.
Greer.	Paulus.
Griggs.	Stokes.
Harbison.	Terrell.
Harper.	Veale.
Mayfield.	

## SIXTY-SEVENTH DAY.

Senate Chamber,  
Austin, Texas,  
Monday, April 8, 1907.

Senate met pursuant to adjournment.  
President Pro Tem. Skinner in the chair.

Roll call, quorum present, the following answering to their names:

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harper.	Veale.
Holsey.	Watson.
Hudspeth.	Willacy.
Kellie.	

## Absent.

Faust.	Paulus.
Harbison.	Terrell.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Friday, on motion of Senator Mayfield, the same was dispensed with.

(See Appendix for committee reports, petitions and memorials.)

## EXCUSED.

On motion of Senator Alexander, Senator Meachum was excused from attendance upon the Senate for part of Friday and Saturday, on account of important business.

On motion of Senator Looney, Senator Harper was excused from attendance upon the Senate for Saturday on account of important business.

On motion of Senator Chambers, Senator Mayfield was excused from attendance upon the Senate for part of Friday and Saturday on account of sickness in family.

There being no bills and resolutions, the Chair declared the morning call concluded.

## SENATE BILL NO. 317.

On motion of Senator Veale, the pending order of business (House bill No. 112, on third reading) was suspended, and the Senate took up, out of its order, Senate bill No. 317.

(Senator Meachum in the chair.)

The Chair laid before the Senate, on second reading,

'Senate bill No. 317, A bill to be entitled "An Act to authorize, enable and permit the territory situated within the bounds of the city of Dalhart, in the county of Dallam and State of Texas, and other land and territory adjacent thereto, to incorporate as an independent school district for free school purposes only, to be known as the Dalhart Independent School District with all the powers, rights and duties of independent school districts formed by incorporations of towns and villages for free school purposes only, and declaring an emergency."

On motion of Senator Veale, the committee report, which provided that the bill be not printed, was adopted.

Senator Veale offered the following amendment, which was adopted:

Amend the bill by adding after the word "tax," in the seventh line from the top on page 2 of the bill, the following: "Of 25,000, however."

Bill read second time, and ordered engrossed.

On motion of Senator Veale, the constitutional rule requiring bills to be

read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—25.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Harper.	Stone.
Holsey.	Veale.
Hudspeth.	Willacy.
Kellie.	

## Absent.

Faust.	Paulus.
Grinnan.	Terrell.
Harbison.	Watson.

The bill was read third time, and passed by the following vote:

## Yeas—26.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Harper.	Stone.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.

## Absent.

Faust.	Paulus.
Grinnan.	Terrell.
Harbison.	

Senator Veale moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 695.

On motion of Senator Harper, the pending order of business (House bill No. 112) was suspended, and the Senate took up, out of its order, House bill No. 695.

The Chair laid before the Senate, on second reading.

House bill No. 695, A bill to be entitled "An Act creating the Donie Inde-

pendent School District in Freestone county, Texas."

On motion of Senator Harper, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Harper, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—26.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Glasscock.	Murray.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Harper.	Stone.
Holsey.	Veale.
Hudspeth.	Willacy.

## Absent.

Faust.	Terrell.
Harbison.	Watson.
Paulus.	

The bill was read third time, and passed by the following vote:

## Yeas—26.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Cunningham.	Meachum.
Glasscock.	Murray.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Harper.	Stone.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.

## Absent.

Chambers.	Paulus.
Faust.	Terrell.
Harbison.	

Senator Harper moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 151—HOUSE  
AMENDMENTS CONCURRED IN.

Senator Smith called up, as a privileged matter,

Senate bill No. 151, A bill to be entitled "An Act to amend Section 6 of Chapter 102, of the Acts of the Regular Session of the Twenty-sixth Legislature, entitled 'An Act to promote agriculture and stock raising, and to prohibit the hunting with firearms or dogs upon the enclosed or posted lands of another, in all counties within this State, not specially named as exempt from the provisions of this act,' as amended by the Twenty-eighth Legislature, and as amended by Chapter 71a, General Laws of the Twenty-ninth Legislature, to provide penalties, and with an emergency clause,"

And moved that the Senate concur in the following House amendments:

Amend bill by striking out the counties of Smith, Washington, Wood and Navarro wherever they appear in the bill.

Amend by striking out Nacogdoches county.

Amend by striking out the counties of Bell, Atascosa, Wilson and Knox.

Amend by striking out Limestone county.

Amend by striking out Fannin county.

Amend by striking out Archer and Knox counties.

Amend by striking out Grimes county.

Amend by striking out Gonzales county.

Amend by striking out Erath county.

Senator Murray moved, as a substitute motion, that the Senate do not concur in the House amendments, and ask for a conference committee.

The substitute motion was adopted, and the Chair appointed the following as the Conference Committee: Senators Smith, Murray, Cunningham, Mayfield and Glascock.

## FIRST HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, April 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that

The House requests the return by the Senate of Senate bill No. 310 for the purpose of correction.

The House has also adopted

House Concurrent Resolution No. 30, Setting aside a room in the Capitol

building for the use of the Daughters of the Republic.

Senate bill No. 316, A bill to be entitled "An Act to grant a new charter to the city of Dallas, Dallas county, Texas, repealing all laws or parts of laws in conflict herewith, and declaring an emergency," with amendments.

House bill No. 308, A bill to be entitled "An Act to reorganize the Thirty-second Judicial District and to create the Sixty-eighth Judicial District of the State of Texas, and to fix the time for holding courts therein, and to provide for the appointment of a judge for the said Sixty-eighth Judicial District and a district attorney for the said judicial district, and to conform all writs and processes to such changes and to repeal all laws and parts of laws in conflict therewith, and declaring an emergency."

House bill No. 721, A bill to be entitled "An Act to repeal an act known as the Cass County Road Law, being Chapter 21 of the Acts of the First Called Session of the Twenty-seventh Legislature, 1901, and also to repeal an act amendatory thereof, same being Chapter 36 of the Special Laws of the Twenty-ninth Legislature, 1905, and to place Cass county under the General Road Law of the State of Texas, and declaring an emergency."

Adopted

Senate Concurrent Resolution No. 19, Authorizing the return of certain money paid erroneously into the State Treasury for University lands.

Senate Concurrent Resolution No. 15, relating to pay of W. R. Davie, Tax Commissioner.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

## BILLS READ AND REFERRED.

The Chair (Senator Meachum) had read and referred, after their captions had been read, the following House bills:

House bill No. 308, to Committee on Judicial Districts.

House bill No. 721, to Committee on Roads, Bridges and Ferries.

House Concurrent Resolution No. 30, to Judiciary Committee No. 1.

## HOUSE BILL NO. 112.

The Chair laid before the Senate, on third reading,

House bill No. 112, A bill to be en-

titled "An Act to require all incorporated stock companies doing a life, fire, or marine insurance business within the State of Texas to invest at least seventy-five per cent of the reserve set apart for the final payment of policies issued in this State in Texas securities and Texas property, and to keep the securities in which such reserve is invested deposited in the vaults of the Treasury of the State of Texas for the security of Texas policyholders."

Senator Skinner offered the following amendment:

Amend the caption of the bill by striking out the words "fire or marine" in the second line thereof; also amend by inserting between the words "Texas" and "securities," in line 4, the following: "and other"; also by inserting after the word "Texas," in line 6, the following: "Or in national banks or State banks or trust companies in Texas designated as depositories."

The amendment was adopted by the following vote:

Yeas—23.

Alexander.	Masterson.
Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Senter.
Cunningham.	Skinner.
Glasscock.	Smith.
Green.	Stokes.
Greer.	Stone.
Griggs.	Veale.
Grinnan.	Watson.
Harper.	Willacy.
Looney	

Nays—1.

Murray.

Absent.

Faust.	Kellie.
Harbison.	Paulus.
Holsey.	Terrell.
Hudspeth.	

The bill was read third time, and passed by the following vote:

Yeas—20.

Alexander.	Hudspeth.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Glasscock.	Skinner.
Green.	Stokes.
Greer.	Veale.
Grinnan.	Watson.
Harper.	Willacy.

Nays—5.

Griggs.	Smith.
Murray.	Stone.
Senter.	

Absent.

Faust.	Kellie.
Harbison.	Paulus.
Holsey.	Terrell.

Senator Skinner moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### REASONS FOR VOTING.

I vote for the final passage of the "Robertson Insurance Bill," because I am in favor of its main purpose; that is, the investment feature, but I opposed the incidental deposit feature, for the reason that I do not believe it will prove workable; and further in view of the tax of 2½ per cent now imposed by law on the gross premium receipts, which will probably be increased by this Legislature, will, if a deposit of securities is compelled, prove burdensome to the real owners of this fund—our Texas policyholders.

It must be borne in mind that, whenever under this act these securities are deposited, they will, under the laws of this State, be subject to the regular State, county and city ad valorem taxes, in addition to the gross receipts tax mentioned above.

Chas. A Culberson, while Governor of this State, in a message to the Texas Legislature, recommended that life insurance companies be compelled by law to invest a certain per cent of the reserve in Texas, and Judge M. M. Brooks, in the recent gubernatorial campaign, also advocated the enactment of such a law, and, in so far as this bill follows these suggestions, I think it wise and the establishment of a sound public policy.

I presented in argument my reasons for opposing the deposit feature of this bill, but a majority of the Senate took the other view, and I bow to their decision, not abating one whit my opinion that it will prove a mistake; however, the future will develop the amendments necessary to the law, and in the end the State will be the gainer in stopping the outflow of Texas wealth from Texas, and compelling its employment in the development of Texas' resources.

LOONEY.

## HOUSE BILL NO. 20.

Senator Skinner moved that the pending order of business (House bill No. 296) be suspended, and the Senate take up, out of its order, House bill No. 8.

Senator Smith moved, as a substitute, that the pending order of business (House bill No. 296) be suspended, and the Senate take up, out of its order, House bill No. 20.

Senator Skinner moved to table the substitute, which motion to table was lost by the following vote:

Yeas—8.

Brachfield.	Hudspeth.
Chambers.	Meachum.
Cunningham.	Skinner.
Green.	Willacy.

Nays—15.

Alexander.	Masterson.
Glasscock.	Mayfield.
Greer.	Murray.
Griggs.	Smith.
Grinnan.	Stone.
Harper.	Veale.
Kellie.	Watson.
Looney.	

Absent.

Barrett.	Paulus.
Faust.	Senter.
Harbison.	Stokes.
Holsey.	Terrell.

Action then recurred on the substitute, and the same was adopted by the following vote:

Yeas—17.

Alexander.	Masterson.
Barrett.	Mayfield.
Glasscock.	Meachum.
Greer.	Murray.
Griggs.	Smith.
Grinnan.	Stokes.
Harper.	Stone.
Kellie.	Watson.
Looney.	

Nays—7.

Brachfield.	Hudspeth.
Chambers.	Skinner.
Cunningham.	Willacy.
Green.	

Absent.

Faust.	Senter.
Harbison.	Terrell.
Holsey.	Veale.
Paulus.	

Action then recurred on the motion, as substituted, and the same was adopted.

The Chair laid before the Senate, on third reading,

House bill No. 20, A bill to be entitled "An Act to amend Section 114 of an act passed by the First Called Session of the Twenty-ninth Legislature entitled 'An Act to regulate elections and to provide penalties for its violation, and to repeal the Acts of the Twenty-eighth Legislature of 1903, regulating elections, general, special and primary, and political conventions, approved April 1, 1903; and also to amend Section 120 of said act as amended by the Second Called Session of said Twenty-ninth Legislature.'"

Pending.

## HOUSE BILL NO. 327.

On motion of Senator Stone, the pending order of business (House bill No. 20) was suspended, and the Senate took up, out of its order, House bill No. 327.

The Chair laid before the Senate, on third reading,

House bill No. 327, A bill to be entitled "An Act to so amend Article 5083, Chapter 2, Title CIV, of the Revised Civil Statutes of the State of Texas, 1895, as to require railroads to report under oath rolling stock operated by them under rental, hire, lease or other form of contract, and to give name and address of true owner; and requiring county tax assessor to properly assess such property, and declaring an emergency."

The bill was read third time, and passed by the following vote:

Yeas—23.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Glasscock.	Murray.
Green.	Skinner.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Watson.
Harper.	Willacy.
Hudspeth.	

Absent.

Faust.	Senter.
Harbison.	Smith.
Holsey.	Terrell.
Paulus.	Veale.

Senator Stone moved to reconsider

the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### MOTION TO RESCIND ADOPTED.

Senator Brachfield moved that the Senate rescind the vote by which the Senate concurred in the House amendments to Senate bill No. 310 (see former proceedings of Friday, the 5th inst).

The motion to rescind prevailed.

Senator Brachfield moved that the request of the House for the return of this bill be granted (see House message in former proceedings of today).

The motion was adopted.

#### HOUSE BILL NO. 296.

On motion of Senator Willacy, the pending order of business (House bill No. 20) was suspended, and the Senate took up, out of its order, House bill No. 296.

The Chair laid before the Senate, on third reading,

House bill No. 296, A bill to be entitled "An Act to provide for a board to calculate the ad valorem rate of taxes for State purposes each year, and to prescribe the duties of such board, and certain duties of the tax assessors of the various counties of the State."

The bill was read third time, and passed by the following vote:

#### Yeas—16.

Alexander.	Masterson.
Barrett.	Mayfield.
Chambers.	Meachum.
Cunningham.	Senter.
Glasscock.	Skinner.
Griggs.	Stone.
Kellie.	Watson.
Looney.	Willacy.

#### Nays—10.

Brachfield.	Hudspeth.
Green.	Murray.
Greer.	Smith.
Grinnan.	Stokes.
Harper.	Veale.

#### Absent.

Faust.	Paulus.
Harbison.	Terrell.
Holsey.	

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 420.

On motion of Senator Grinnan, the pending order of business (House bill No. 20) was suspended, and the Senate took up, out of its order, House bill No. 420.

The Chair laid before the Senate, on second reading,

House bill No. 420, A bill to be entitled "An Act to levy an occupation tax on retail dealers in non-intoxicating malt liquors, and fixing a penalty for the violation of this act."

On motion of Senator Grinnan, the committee report, which provided that the bill be not printed, was adopted.

Senators Looney and Alexander offered the following amendment, which was adopted:

Amend House bill No. 420 by striking out all after the enacting clause and insert the following:

"Section 1. In all counties, justices precincts, towns, cities or other subdivisions of a county where the qualified voters thereof have, by a majority vote, determined that the sale of intoxicating liquors shall be prohibited therein, there is hereby levied upon all firms, persons, associations of persons and corporations selling at retail non-intoxicating malt liquors, such as 'Uno,' 'Ino,' 'Frosty,' 'Tin-top' and 'Tetotle,' and all other such liquors, an annual State tax of \$2000, and counties, also incorporated cities and towns, where such sales are made may each levy an annual tax of not exceeding \$1000 upon all such persons, firms or corporations; provided, that this section shall not apply to regular druggists or pharmacists who, as such, keep for sale as a part of a regular drug stock, such proprietary remedies as 'malt extract,' 'malt nutrine' and 'malt and iron' used exclusively as medicine and not as a beverage.

"Sec. 2. In all counties, justices precincts, towns, cities or other subdivisions of a county where the qualified voters thereof have by a majority vote determined that the sale of intoxicating liquors shall be prohibited therein, there is hereby levied upon all firms, persons, associations of persons and corporations that pursue the business of selling or offering for sale any intoxicating liquors by soliciting orders therefor in any quantities whatsoever, in any such county, justice precinct, town, city or other subdivision of a county, an annual State tax of \$4000, and each county, and also each incorporated city or town may levy an annual tax of not exceeding

\$2000, in any such county or incorporated city or town where such business is pursued.

"Sec. 3. In all counties, justices precincts, towns, cities or other subdivisions of a county where the qualified voters thereof have by a majority vote determined that the sale of intoxicating liquors shall be prohibited therein, there is hereby levied upon all firms, persons, associations of persons and corporations that pursue the business of keeping, running, maintaining or operating what is commonly known as a 'cold storage' or any place by whatever name known or whether named or not, where intoxicating or non-intoxicating liquors or beverages are kept on deposit for others, or where any such liquors are kept for others under any kind or character of bailment, an annual State tax of \$2000, and counties, also including incorporated cities and towns, where such business is located, may each levy an annual tax of not exceeding \$1000 upon each such place so kept, run, maintained or operated.

"Sec. 4. Each person and each firm and each corporation and each association of persons desiring to engage in the business mentioned in Sections 1, 2 or 3 of this act in said local option territory before engaging in same shall file with the county clerk of the county in which the business is proposed to be pursued, an application in writing for a license to engage therein and shall state the county or portion of the county in which the business is to be pursued and if within the corporate limits of any incorporated city or town, that fact shall be so stated and any such person or firm or corporation or association of persons shall pay to the tax collector of the county for said county the entire amount of annual tax levied for the State and the entire amount of the annual tax upon such business as may be levied by the commissioners court of said county, and if the business is to be pursued in an incorporated city or town shall pay to the collector of taxes of such city or town the tax that may be levied on such business by said city or town, and all such taxes shall be paid in advance and no license shall be issued by the county clerk until the person or firm or corporation or association of persons applying therefor shall exhibit receipts showing the payment of all taxes levied and authorized by this act, and the county clerk shall be entitled to charge a fee of 25 cents for the issuance of such license.

"Sec. 5. The county clerk shall be and is hereby required to make report of all licenses issued by authority of this act as in other cases.

"Sec. 6. Any person or any member of a firm or any member of an association of persons or any officer or representative of a corporation, who shall pursue or engage in or aid or assist in any manner in said business mentioned in sections one, two or three of this act in said local option territory without there having been issued to said person or firm or association of persons or corporation, license therefor as provided for in this act, shall each be guilty of a misdemeanor and on conviction therefor shall be fined in any sum not less than the amount of the tax due and not more than double that sum and shall in addition be imprisoned in the county jail not less than ninety days nor more than six months.

"Sec. 7. The actual, threatened or contemplated pursuit of any such business mentioned in Sections 1, 2 or 3 of this act in said local option territory by any person or firm or association of persons or corporation without there having first been procured a license therefor as provided in this act, shall be enjoined at the suit of either the State at the instigation of the county or district attorney or at the suit of any individual citizen of the county where the business is, or is about to be pursued, and it shall not be necessary for any citizen to show that he has any pecuniary interest involved, and the State shall not be required to give security for costs and all the rules of evidence, practice and procedure that pertain to courts of equity generally, or that exist by virtue of any law of this State may be invoked and applied in any injunction proceeding instituted hereunder.

"Sec. 8. The crowded condition of the calendars of both houses and the lateness in the session of the Legislature and the importance of this measure to the local option districts of this State create an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days be suspended and that this act take effect and be in force from and after its passage, and it is so enacted."

Senator Looney offered the following amendment, which was adopted:

Amend House bill No. 420 by striking out all above the enacting clause and insert the following in lieu thereof:

"An act to levy an occupation tax on all retail dealers in non-intoxicating malt liquors where such business is pursued in any county, justices precinct, town, city or other subdivision of a county where the qualified voters thereof have by a majority vote determined that the sale of intoxicating liquors shall be prohibited therein; and also to levy an annual occupation tax on the business of selling or offering for sale any intoxicating liquor by soliciting orders therefor in any quantities whatever in any such county, justices precinct, town, city or other subdivision of a county where the qualified voters thereof have by a majority vote determined that the sale of intoxicating liquors shall be prohibited therein; also levying an annual occupation tax for the keeping, maintaining or operating of any 'cold storage' or other such place where intoxicating or non-intoxicating liquors or beverages are kept on deposit for others under any kind of bailment within the limits of any such local option territory, providing for the issuance of licenses and fixing penalties for the violation of this act and providing for injunction to prevent its violation, and declaring an emergency."

Bill read second time, and passed to a third reading.

On motion of Senator Grinnan, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Alexander.	Looney.
Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Senter.
Faust.	Skinner.
Green.	Smith.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Veale.
Harper.	Watson.
Hudspeth.	Willacy.
Kellie.	

Absent.

Glasscock.	Masterson.
Harbison.	Paulus.
Holsey.	Terrell.

The bill was read third time, and passed by the following vote:

Yeas—24.

Alexander.	Barrett.
------------	----------

Brachfield.	Looney.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harper.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.

Present—Not Voting.

Murray.

Absent.

Glasscock.	Masterson.
Harbison.	Paulus.
Holsey.	Terrell.

Senator Grinnan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 304.

On motion of Senator Murray, the pending order of business (House bill No. 20) was suspended, and the Senate took up, out of its order, Senate bill No. 304.

The Chair laid before the Senate, on second reading,

Senate bill No. 304, A bill to be entitled "An Act to allow any person, firm, company or corporation hereafter required to pay a tax for the year 1907, for pursuing any occupation upon which the tax is repealed by an act of the Thirtieth Legislature of the State of Texas, entitled 'An Act to repeal Subdivision one (1), five (5), six (6), eight (8), eleven (11), twelve (12), thirty-one (31), thirty-three (33), thirty-eight (38), fifty-one (51), fifty-five (55), fifty-nine (59) and to amend Subdivision thirteen (13) of Section one (1) of an act entitled "An Act to amend Article 5049, Chapter one (1), Title one hundred and four (CIV) of the Revised Civil Statutes relating to general occupation taxes,' Chapter eighteen (18), of the Acts of the First Special Session of the Twenty-fifth Legislature, relating to taxes on certain occupations,' approved March 21, 1907, to pay such taxes for that portion of the year 1907 unexpired at the date when such person, firm, company or corporation became liable for such taxes, and declaring an emergency."

On motion of Senator Murray, the committee report, which provided that the bill be not printed, was adopted.



Bill read second time, and ordered engrossed.

On motion of Senator Murray, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—27.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Veale.
Harper.	Watson.
Holsey.	Willacy.
Hudspeth.	

## Absent.

Harbison.	Senter.
Paulus.	Terrell.

The bill was read third time, and passed by the following vote:

## Yeas—26.

Alexander.	Hudspeth.
Barrett.	Kellie.
Brachfield.	Looney.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Veale.
Harper.	Watson.
Holsey.	Willacy.

## Absent.

Harbison.	Senter.
Masterson.	Terrell.
Paulus.	

Senator Murray moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## HOUSE BILL NO. 713.

On motion of Senator Greer, the pending order of business (House bill No. 20) was suspended, and the Senate took up, out of its order, House bill No. 713.

The Chair laid before the Senate, on second reading,

House bill No. 713, A bill to be entitled "An Act to incorporate the city of Tyler in Smith county, Texas, and to define its boundaries, and provide for its government and the management of its affairs, and declaring an emergency."

On motion of Senator Greer, the committee report, which provided the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—26.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Cunningham.	Mayfield.
Faust.	Meachum.
Glasscock.	Murray.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Harper.	Stone.
Holsey.	Veale.
Hudspeth.	Willacy.

## Absent.

Chambers.	Terrell.
Harbison.	Watson.
Paulus.	

The bill was read third time, and passed by the following vote:

## Yeas—26.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Grinnan.	Stokes.
Harper.	Stone.
Holsey.	Veale.
Hudspeth.	Willacy.

## Absent.

Griggs.	Terrell.
Harbison.	Watson.
Paulus.	

Senator Greer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 316.

Senator Senter called up, as a privileged matter,

Senate bill No. 316, A bill to be entitled "An Act to grant a new charter to the city of Dallas, Dallas county, Texas, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Senator Senter moved that the Senate concur in the following House amendments:

(1.)

Amend Senate bill No. 316 as follows:

Amend Article 2 by inserting after Subdivision 37, page 19, a new subdivision, to be numbered 38, and to read as follows:

"38. Wherever the forfeiture of a franchise, right or privilege granted to any person, firm or corporation to be exercised as a public utility is provided for in this act, the power to enforce such forfeiture shall not be construed to be in the Board of Commissioners, but such forfeiture shall be finally enforced only through the decree of a court of competent jurisdiction."

(2.)

Amend Article 2, Section 8, Subdivision 3, page 28, by adding at the end of said subdivision, the following words:

"Whereby the rights and properties held and used under such franchise are assigned to another person, firm or corporation which hold a franchise extending beyond the time of the expiration of the franchise of the person, firm or corporation selling such physical properties, rights or franchises."

(3.)

Amend Article 2, Section 8, Subdivision 9, page 33, by adding at the end of said subdivision the following words:

"Provided, that said purchase, when so made by the city, shall not take effect until the expiration of twenty years from the time of the granting of such franchise."

(4.)

Amend Article 3, Subdivision 6, page 45, by striking out all after the words, "He shall nominate all appointive officers of the city except auditor, and

such nominations shall be subject to confirmation by the Board of Commissioners by a majority vote thereof," and substitute in lieu of such matter so stricken out by adding after said words the following words:

"The mayor shall not be entitled to vote as a member of said board upon the question of the confirmation of any nomination for office so made by him but shall be entitled to vote upon all other questions that may be submitted to or acted upon by said board. The officers to be thus nominated by the mayor and confirmed by the Board of Commissioners shall be all officers whose powers, or duties or salaries are prescribed and defined by ordinance of said city. The salary of the mayor shall be four thousand (\$4000) dollars per year, payable in equal monthly installments."

(5.)

Amend Article 3, Subdivision 13, page 48, by adding after the words "subject to confirmation by a majority vote of the board," in line 16, the following words: "Not including the vote of the mayor."

(6.)

Amend Article 4, Subdivision 1, page 53, by adding after the words "such service," in the second line from the bottom of the page, the following words: "And such city attorney and his assistants shall have authority to administer oaths and affidavits."

(7.)

Amend Article 14, page 133, by adding after Subdivision 48, two new subdivisions, to be numbered 49 and 50, and to read as follows and renumber the emergency clause as No. 51:

"49. The city of Dallas shall have the same right of appeal as is allowed the defendant from the judgment of the Corporation Court in all criminal cases involving the constitutionality or validity of any statute of the State of Texas or any ordinance of the city of Dallas.

"50. There shall be printed upon the official ballot to be used at the first election to be held under this act, above the names of the candidates upon said ballot the following words:

"For the recall."

"Against the recall."

"Every qualified voter voting at said election shall be entitled to vote upon said subject. In the event a majority of the voters who shall vote thereon shall vote in favor of the recall, the

provisions of Article 9 of this act relating to said subject, including all of the provisions of said article, shall become operative and shall have full force and effect as all other provisions of this act. If, however, a majority of the voters voting upon said subject shall vote against such recall provisions, the same, including all the provisions of said Article 9, shall not take effect and shall not have the force of law; provided, however, that if it shall be held that this subdivision of this act is unconstitutional or invalid for any reason, such holding or decision shall not in any way affect or impair any other article, section, subdivision or provision of this act. And provided further, that in the event this subdivision of this act shall be held unconstitutional or invalid for any reason, such holding shall only affect this subdivision and shall not be construed to invalidate the provisions of Article 9 of this act relating to such subject."

The motion to concur prevailed by the following vote:

Yeas—25.

Alexander.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Senter.
Glascock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Harper.	Stone.
Holsey.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.
Looney.	

Absent.

Barrett.	Harbison.
Griggs.	Paulus.
Grinnan.	Terrell.

Senator Senter moved to reconsider the vote by which the amendments were concurred in, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 13.

On motion of Senator Skinner, the pending order of business (House bill No. 20) was suspended, and the Senate took up, out of its order, House bill No. 13.

The Chair laid before the Senate, on second reading,

House bill No. 13, A bill to be entitled "An Act to levy a tax upon the sale and disposition of intoxicating

liquors at retail, and to provide penalties for its violation, providing for the execution of a bond and prescribing remedies thereon and the conditions thereof, and repealing all laws in conflict with this act."

The committee report, which recommended a substitute bill, was, on motion of Senator Skinner, adopted (see Journal of 5th inst., for committee report).

On motion of Senator Senter, the bill was made a special order for this afternoon at 3 o'clock.

#### HOUSE BILL NO. 361.

On motion of Senator Alexander, the pending order of business (House bill No. 20) was suspended, and the Senate took up, out of its order, House bill No. 361.

The Chair laid before the Senate, on second reading,

House bill No. 361, A bill to be entitled "An Act to amend Article 642 of the Revised Civil Statutes of Texas, as amended by Chapter 130, Acts of the Regular Session of the Twenty-fifth Legislature; Chapter 43, Acts of the Twenty-sixth Legislature; Chapter 43, Acts of the Twenty-seventh Legislature; Chapter 129, Acts of the Twenty-eighth Legislature; Chapter 62, Acts of the Twenty-ninth Legislature, by adding to said Article 642 a new subdivision to be known as Subdivision 65, providing for the establishment and maintenance of fishing, hunting and boating clubs; the protection, preservation and propagation of fish and game; the purchase and ownership of such lands and bodies of water as may be desirable in connection therewith; the erection of suitable improvements thereon; and the raising of such live stock for profit only as the preserves of such club will maintain."

The pending question on this bill was a point of order raised by Senator Looney (see Journal of 5th inst., for proceedings on this bill).

Senator Looney then withdrew his point of order.

Senator Alexander offered the following amendment, which is the same as the pending one, but the same was changed to read as follows:

Amend the caption by striking out all after the figures "642," in line 20, and inserting in lieu thereof the words: "New subdivisions, to be known as Subdivisions 65, 66, 67 and 68, and by repealing Subdivision 46 thereof."

ALEXANDER,  
SENER.

Senator Chambers offered the following amendment, which was adopted:

Amend the bill by adding Subdivision 70, which shall read as follows: "The establishment, maintenance, erection or repair of a hotel, office building, opera and play house, apartment house or steam laundry."

Senator Green offered the following amendment, which was adopted:

Amend the bill by adding Subdivision 69, as follows: "To guarantee titles to lands; and indemnify the holders thereof against losses by reason of defects in titles."

Senator Senter offered the following amendment, which was adopted:

Amend the bill by adding thereto at the end of Subdivision 66 the following two subdivisions:

"Subdivision 67. To construct, purchase, maintain and operate warehouses at one or more places in the State for the storage of products of the soil, with authority to issue negotiable receipts therefor. Any corporation organized under this subdivision shall by provision in its charter or by amendment thereof limit the amount of its capital stock that may be owned or controlled, directly or indirectly, by any stockholder and the number of votes that may be cast in any stockholders' meeting by one stockholder, to not exceeding \$1000 of its capital stock.

"Subdivision 68. To manufacture and sell denatured alcohol and its by-products. Any corporation organized under this subdivision may by provision in its charter or by amendment thereof limit the amount of its capital stock that may be owned or controlled, directly or indirectly, by one stockholder and the number of votes that may be cast in any stockholders' meeting by one stockholder."

SENTER,  
ALEXANDER.

Senator Masterson offered the following amendment, which was adopted:

Amend the bill by adding Subdivision 71, to read as follows: For the purpose of guaranteeing and assuring the validity of bills of lading and other contracts."

Senator Chambers offered the following amendment, which was adopted:

Amend caption by adding after figures "68," line 20, the following: "69, 70, 71."

CHAMBERS,  
GREEN.

## SECOND HOUSE MESSAGE.

Hall of the House of Representatives,  
Austin, Texas, April 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 147, A bill to be entitled "An Act to amend Sections 36, 37 and 40 of Chapter 124 of the Revised School Laws, passed by the Twenty-ninth Legislature, relating to the office of county superintendent," with engrossed rider.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

RECESS.

On motion of Senator Skinner, the Senate, at 12:30 o'clock, recessed until 2:30 o'clock today.

AFTER RECESS.

The Senate was called to order by President Pro Tem. Skinner.

## HOUSE BILL NO. 361.

Action recurred on House bill No. 361, which was pending when the Senate recessed.

Senator Grinnan offered the following amendment, which was adopted:

Amend by adding the following section:

"Sec. 2. A private corporation may be created for, or after being created, so amend its charter as to include two or more of the following purposes, namely: The supply of water to the public, the manufacture and supply of ice, gas, electric light and motor power, or either of them to the public; and the manufacture, supply and sale of carbonated water, and the operation of cotton seed oil mills; provided, that private corporations including more than one of the purposes mentioned in this article in their charters shall each pay the franchise tax as provided by law for each of the purposes included in their respective charters; and provided further, that the authorized capital stock of incorporations authorized by this article shall not exceed \$200,000. The provisions of this act shall not apply to cities of over 10,000 inhabitants."

Senator Senter offered the following amendment, which was adopted:

Amend House bill No. 361 by adding

a section to be known as Section 3, to read as follows, namely:

"Sec. 3. Subdivision 46 of Article 642 of the Revised Statutes of Texas shall be and the same is hereby amended so as to hereafter read as follows: (46) For the organization of fire, marine, life and live stock insurance companies; provided, that such live stock insurance companies may be organized with an authorized and paid-up capital stock of not less than ten thousand dollars (\$10,000); and provided further, that all insurance companies mentioned in this subdivision shall be in all other respects subject to and shall comply with all of provisions of Title LVIII of the Revised Statutes of Texas and any and all laws supplementary to or amendatory thereof."

Senator Alexander offered the following amendment, which was adopted:

Amend the bill by inserting the word "public" after the word "private" in amendment of "Subdivision 66," as adopted, and by inserting a comma after the word "private."

Senator Senter offered the following amendment, which was adopted:

Amend the caption of the bill as amended by striking out the words "and by repealing Subdivision 46 thereof," and substituting in lieu of said words: "And amending Subdivision 46 thereof" after the figures designating the new subdivisions added to said article.

Bill read second time, and passed to a third reading.

On motion of Senator Alexander, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Veale.
Harper.	Watson.
Holsey.	Willacy.
Hudspeth.	

Absent.

Harbison.	Smith.
Paulus.	Terrell.

The bill was read third time, and passed by the following vote:

Yeas—26.

Alexander.	Hudspeth.
Barrett.	Kellie.
Brachfield.	Looney.
Chambers.	Masterson.
Cunningham.	Mayfield.
Faust.	Meachum.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Veale.
Harper.	Watson.
Holsey.	Willacy.

Nays—1.

Murray.

Absent.

Harbison.	Smith.
Paulus.	Terrell.

Senator Alexander moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 345.

On motion of Senator Hudspeth, the pending order of business (House bill No. 20) was suspended, and the Senate took up, out of its order, House bill No. 345.

The Chair laid before the Senate, on second reading,

House bill No. 345, A bill to be entitled "An Act to preserve and protect the wild game, wild birds and wild fowls of the State, to provide adequate penalties for the violation of this act and the unlawful taking, slaughter, sale or shipment thereof, and to repeal all laws or parts of laws in conflict herewith."

(Senator Masterson in the chair.)

On motion of Senator Hudspeth, the committee report, which provided that the bill be not printed, was adopted.

Senator Hudspeth offered the following amendment, which was adopted:

Amend Section 9 by striking out the word "October," in line 3, and inserting in lieu thereof the word "November"; also strike out "October" in line 8 of same section.

Senator Hudspeth offered the following amendment, which was adopted:

Amend line 14, in Section 9, by striking out "March" and inserting "February," and striking out "December," and inserting "November" in same line.

Senator Hudspeth offered the following amendment, which was adopted:

Amend Section 10 by striking out all of said section after and including the words "provided further," in line 7, page 4, of the bill counting the lines from the bottom up.

Senator Hudspeth offered the following amendment, which was adopted:

Strike out all of Sections 12, 13 and 14.

Bill read second time, and passed to a third reading.

#### HOUSE BILL NO. 291.

On motion of Senator Grinnan, the pending order of business (House bill No. 20) was suspended, and the Senate took up, out of its order, House bill No. 291.

The Chair laid the bill before the Senate.

#### HOUSE BILL NO. 13.

Senator Willacy here called up, for the special order, House bill No. 13. The committee report, which recommended a substitute bill, having been adopted at a former time today, the Chair laid before the Senate, on second reading,

House bill No. 13, A bill to be entitled "An Act to levy a tax upon the sale and disposition of intoxicating liquors at retail, and to provide penalties for its violation, providing for the execution of a bond and prescribing remedies thereon, and the conditions thereof, and repealing all laws in conflict with this act."

Bill read second time, and passed to a third reading.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Alexander.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harper.	Veale.
Holsey.	Watson.
Hudspeth.	Willacy.
Kellie.	

Absent.

Barrett.	Paulus.
Harbison.	Terrell.

The bill was read third time, and passed.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 291.

The Chair laid before the Senate, on second reading and as pending business, House bill No. 291, A bill to be entitled "An Act defining the requisites of a plea of privilege to be sued in the county of one's residence, and provided that issuing process for witnesses and taking depositions shall not constitute a waiver of such plea."

Senator Grinnan offered the following amendment, which was adopted:

Amend by adding the following:

"Sec. 2. Whereas, the fact that the laws of this State now provide no means for changing the venue in a case where a plea of abatement or privilege to be sued in a county different from that in which the suit is pending is sustained, and the near approach of the close of this session of the Legislature creates an emergency and imperative public necessity that this act be passed under a suspension of the constitutional rule requiring bills to be read on three several days, and the rule is therefore suspended, and this act shall take effect from and after its passage, and it is so enacted."

Senator Brachfield offered the following amendment:

Amend the bill by adding Article 1194c, which shall read as follows:

"Article 1194c. That whenever a plea of privilege to the venue to be sued in some other county than the county in which the suit is pending shall be sustained, that the court shall order the venue to be changed to the proper court of the county having jurisdiction of the parties and the cause, and that the clerk shall make up a transcript of all the orders made in said cause, certifying thereto officially under the seal of the court and transmit the same with the original papers in the cause to the clerk of the court to which the venue has been changed," and by amending the caption to conform thereto.

Senator Looney offered the following amendment to the amendment:

Amend the amendment by adding thereto the following:

"Provided, that nothing herein shall prevent an appeal from the judgment of the court sustaining a plea of privilege."

The amendment to the amendment was adopted.

The amendment, as amended, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Grinnan, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

**Yeas—25.**

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Senter.
Green.	Smith.
Greer.	Stone.
Griggs.	Veale.
Grinnan.	Watson.
Harper.	Willacy.
Holsey.	

**Absent.**

Harbison.	Skinner.
Hudspeth.	Stokes.
Paulus.	Terrell.

The bill was read third time, and passed.

Senator Grinnan moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

**THIRD HOUSE MESSAGE.**

Hall of the House of Representatives, Austin, Texas, April 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House

Refused to concur in Senate amendments to House bill No. 112, and a Free Conference Committee is requested. The following has been appointed on part of the House: Messrs. Robertson of Travis, Jenkins, Davis of Brazos, Crisp and Canales.

Grants the request of the Senate for a Conference Committee on Senate bill No. 151, and the following has been appointed on the part of the House: Messrs. Hamilton, Fowler, Robertson of Erath, O'Bryan and Ray.

And passed:

Substitute Senate bill No. 50, A bill to be entitled "An Act to prohibit bucket shops or bucket shopping within this State, and to provide penalties for its violation; to prohibit gambling in contracts for future delivery; to render unlawful any contract for future deliverance, where delivery is not intended, or where such contract is not made a hedge to protect against fluctuations in value of products or security; to require commission brokers or merchants to accept no future contracts except where intended for actual delivery or a hedge on actual products or securities; to prohibit the purchase or sale of such contracts by individuals and to provide penalties against both buyer and seller and broker who violate the provisions of this act," with amendments.

Senate bill No. 39, A bill to be entitled "An Act making appropriations for the support of the State government for two years, beginning September 1, 1907, and ending August 31, 1909, and for other purposes, and prescribing certain regulations and restrictions in respect thereto, and declaring an emergency," with amendments.

House bill No. 428, A bill to be entitled "An Act to amend Chapter 164, Section 20 of the Acts of the Twentieth Legislature, 1905, relating to county depositories."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

**BILLS READ AND REFERRED.**

The Chair (Senator Meachum) had read and referred, after their captions had been read, the following House bills:

House bill No. 147, to Committee on Educational Affairs.

(By President Pro Tem. Skinner.)

House bill No. 428, to Judiciary Committee No. 1.

**SENATE BILL NO. 39—FREE CONFERENCE COMMITTEE ON.**

Senator Willacy called up, as a privileged matter,

Senate bill No. 39, A bill to be entitled "An Act making appropriations for the support of the State government for two years, beginning September 1, 1907, and ending August 31, 1909, and for other purposes, and prescribing certain regulations and restrictions in respect thereto."

And moved that the Senate do not

concur in the House amendments to the bill and asked for a Free Conference Committee.

(Note.—On motion of Senator Willacy, the amendments were ordered not printed in the Journal.)

The motion to non-concur prevailed, and the Chair appointed the following as the Free Conference Committee on part of the Senate: Senators Willacy, Skinner, Meachum, Faust and Harper.

#### HOUSE BILL NO. 723.

On motion of Senator Glasscock, the pending order of business (House bill No. 20) was suspended, and the Senate took up, out of its order, House bill No. 723.

The Chair laid before the Senate, on second reading,

House bill No. 723, A bill to be entitled "An Act to amend Chapter 124 of the General Laws of the Twenty-ninth Legislature of the State of Texas, providing for a complete system of public free schools in Texas, by adding thereto Section 91a."

On motion of Senator Glasscock, the committee report, which provided that the bill be not printed, was adopted.

Senator Glasscock offered the following amendment, which was adopted:

Amend by adding Section 2 to the bill, the emergency clause:

"Sec. 2. Owing to the lateness of the session of the Legislature, and the crowded condition of the calendar, and there being no law to authorize the transfer of school children as provided in this act, creates an emergency and imperative public necessity for the constitutional rule for bills to be read on three several days to be suspended, and said rule is hereby suspended, and this act shall take effect from and after its passage, and it is so enacted."

Bill read second time, and passed to a third reading.

On motion of Senator Glasscock, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Alexander.	Greer.
Barrett.	Griggs.
Brachfield.	Grinnan.
Chambers.	Harper.
Cunningham.	Holsey.
Faust.	Kellie.
Glasscock.	Looney.
Green.	Masterson.

Mayfield.	Smith.
Meachum.	Stone.
Murray.	Veale.
Senter.	Watson.
Skinner.	Willacy.

Absent.

Harbison.	Stokes.
Hudspeth.	Terrell.
Paulus.	

The bill was read third time, and passed by the following vote:

Yeas—24.

Alexander.	Kellie.
Brachfield.	Looney.
Chambers.	Masterson.
Cunningham.	Mayfield.
Faust.	Meachum.
Glasscock.	Murray.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stone.
Harper.	Veale.
Holsey.	Willacy.

Absent.

Barrett.	Stokes.
Harbison.	Terrell.
Hudspeth.	Watson.
Paulus.	

Senator Glasscock moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

(President Pro Tem. Skinner in the chair.)

#### HOUSE BILL NO. 604.

On motion of Senator Green, the pending order of business (House bill No. 20) was suspended, and the Senate took up, out of its order, House bill No. 604.

The Chair laid before the Senate, on second reading,

House bill No. 604, A bill to be entitled "An Act to amend an act to incorporate the city of San Antonio and to repeal an act of the Legislature of the State of Texas, approved August 13th, 1870, entitled 'An Act to incorporate the city of San Antonio and grant a new charter to said city, and to repeal an act entitled an act to incorporate the city of San Antonio, approved July 17th, 1856, an act entitled an act to amend an act to incorporate the city of San Antonio, approved February 11th, 1860, and also to repeal all acts amend-



atory of said act approved August 13, 1870, and declaring an emergency,' passed by the Twenty-eighth Legislature, being Chapter 54 of the Special Laws thereof, by amending Sections 1, 9, 17, 33, 46, 52, 53, 56, 90, 97 and 108 and 124, and repealing Section 34a thereof, and to repeal all laws or parts of laws in conflict therewith, and declaring an emergency."

On motion of Senator Green, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Green, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Senter.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Veale.
Harper.	Watson.
Holsey.	Willacy.
Kellie.	

Absent.

Harbison.	Paulus.
Hudspeth.	Terrell.

The bill was read third time, and passed.

Senator Green moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 344.

On motion of Senator Mayfield, the pending order of business (House bill No. 20) was suspended, and the Senate took up, out of its order, House bill No. 344.

The Chair laid before the Senate, on second reading,

House bill No. 344, A bill to be entitled "An Act to amend Articles 3752, 3753 and 3754, and to repeal Article 3756, Title LXXX, of the Civil Statutes of Texas, pensions, and to amend Sections 1 and 2, Chapter CVII, of the General Laws of Texas passed by the

Twenty-sixth Legislature, relating to Confederate pensions."

Senator Smith moved that the bill be printed in the Journal, and lie on the table subject to call.

The motion prevailed, and the following is the bill in full:

H. B. No. 344. By Savage of Bell and Robertson of Bell.

#### A BILL

#### To Be Entitled

An Act to amend Articles 3752, 3753 and 3754, and to repeal Article 3756, Title LXXX of the Civil Statutes of Texas—Pensions, and to amend Sections 1 and 2, Chapter CVII of the General Laws of Texas, passed by the Twenty-sixth Legislature, relating to Confederate pensions, so as to remove the necessity of the applicant for a pension under either of these acts making oath that he or she is in indigent circumstances or dependent upon others for support.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 3752, 3753 and 3754 of the Civil Statutes of Texas, Title LXXX, be amended so as to read as follows, and that Article 3756 of same title be and is hereby repealed. Also that Sections 1 and 2, Chapter CVII of General Laws of Texas, passed by the Twenty-sixth Legislature relating to Confederate pensions be amended so as to read as follows:

Article 3752. To every surviving soldier or volunteer who was in the actual military or naval service of Texas at the time of the siege of Bexar, in December, 1835, or at the time of the battle of San Jacinto, in April, 1836, or who actually participated in any battle in Texas in 1836, or who was in such actual military service for as much as six weeks between the commencement of the revolution at Gonzales in 1835, and the first day of January, 1837, and to every surviving signer of the Declaration of Independence of Texas, and to every surviving widow of any such soldier, volunteer or signer, who is and always has been unmarried since the death of such soldier, volunteer or signer, and so long as such widow may remain unmarried, there shall be and is hereby granted an annual pension of \$150 as hereinafter provided.

Article 3753. Each applicant for a pension under this law shall make appli-

cation in writing for the same to the county judge of the county of his or her residence, and shall post a copy of such application on the courthouse door of the county for at least thirty days before the application is acted on by the county judge. Such application shall state the name, age and residence of the applicant, whether or not this applicant received any pension or veteran donation land certificate under any previous law; that such applicant is and was for one year preceding the date of the passage of this law a bona fide resident citizen of this State, and in addition to the foregoing each male applicant shall further state the time he rendered such service and the command he served in; and each female applicant shall state the name of her deceased husband, the date of his death; that she is unmarried, and so remained since the death of the husband for whose service she claims a pension; and shall further state as accurately as she can the time her deceased husband rendered such service and the command he served in. Should the applicant be a signer of such Declaration of Independence, or a widow of such signer, he or she shall state all that is hereinbefore required, except as to the military service, and in lieu of which it shall state that the applicant was a signer of such Declaration of Independence, or is the widow of such signer, which application shall be subscribed and sworn to by the applicant, and the same shall be supported by affidavits of at least two credible witnesses who reside in the State, and shall show that the facts stated by the applicant are known and regarded in his or her neighborhood as a Texas veteran or signer of the Declaration of Independence or a widow of a Texas veteran or a signer of the Declaration of Independence. Any veteran whose application and proof heretofore made to the Comptroller are in compliance with the requirements of this law shall be entitled to his or her pension on presenting such application and proof to the Comptroller, without further proof being made; and where such application and proof has been returned to the applicant by the Comptroller said applicant may refile the same as if made under this law; provided that such application has not heretofore been declared fraudulent.

Article 3754. Such application so signed and sworn to by the applicant and two credible witnesses shall be presented to the county judge, who shall in open court, at a regular term thereof,

hear evidence as to the truth of the statement made in such application; and if he believe from the evidence that the applicant really performed the service for which the pension is claimed, or is a widow of a soldier or volunteer of the Texas revolution, or a signer of the Declaration of Texas Independence; that he or she is now and was at the time of the passage of this law, and for ten years previous thereto, a bona fide resident of the State of Texas, then he shall make his certificate under the seal of his office, attested by the county clerk, reciting the facts as shown by the evidence. Upon the hearing of such application the State shall be represented by the county or district attorney, and it shall be the duty of such attorney to summon witnesses to testify in behalf of the State who know any facts affecting the rights of the applicant to obtain a pension, and he shall prepare a statement of the testimony given by each witness, including the name of such witness, and also of the facts disclosed by investigating any other source of information, which statements shall be approved by the county judge. For his services in behalf of the State the attorney shall be allowed a fee of \$10 to be paid as follows: He shall present his account for the same to the county judge, who shall approve it if he finds it correct, shall date and sign the same officially and shall cause it to be filed in the office of the county clerk. The said judge will thereupon give the attorney a draft upon the county treasurer and the same, when presented to the treasurer, shall be paid out of any moneys in his hands not otherwise legally appropriated, in the same manner as jury certificates are paid.

Section 2. (Confederate Pensions.) That hereafter there shall be paid an annual pension of \$8 per month, the same to be paid quarterly, on the first day of October, January, April and July of each year, to every surviving disabled Confederate soldier or sailor who is a native of this State, or who came to Texas prior to January 1, 1880, and who is either over 60 years of age or whose disability is the approximate result of the actual service in the Confederate army or navy for a period of at least three months; their widows, who have never remarried and who have been bona fide residents of the State of Texas since March 1, 1880, and who were married to such soldiers or sailors anterior to March 1, 1866; provided, that said aid shall not exceed \$8 per month;

and, provided further, that in the event the appropriation made by the State Legislature for any one year shall prove insufficient to pay in full said pensions, that thereby not be created a deficiency outstanding as a valid claim against the State of Texas, and each pensioner shall only receive his pro rata according to the amount appropriated for that year.

Section 3. Each applicant for a pension under this law shall make application in writing and under oath for the same to the county judge of the county of his or her residence. Such application shall state the name, age and residence of the applicant, and his or her occupation, if able to engage in one, his or her physical condition, as well as the company and regiment in which he enlisted in the Confederate army, or where he served in the Confederate navy, and the time of service in each case; whether or not the applicant received any pension or veteran donation land certificate under any previous law; and that such applicant never deserted the Confederacy, but it shall not be necessary to produce a certificate of discharge in order to receive a pension under this act; and still further, that such applicant is and has been continuously, since the first day of January, 1880, a bona fide resident citizen of this State, or that he originally enlisted in the Confederate service from the State of Texas, and was at the date of the passage of this act a bona fide resident citizen of the State of Texas, and in addition to the foregoing, each male applicant shall further state the time he rendered such service and the command he served in. He shall furnish the testimony of at least two credible witnesses who personally know that he enlisted in the service and performed the duties of a soldier or sailor as claimed by him, and that he is unable to support himself by labor of any sort; he shall also furnish proof by a reputable physician of his county showing his precise physical condition and inability to labor at any work or calling sufficient to earn a support for himself, and if he is not 60 years old, when, where and how said disability occurred; said proof to be made before the county judge of the county of the residence of the witnesses. The papers in the case as made by the county judge shall be submitted to the county commissioners of his county at a regular term of their court, and shall be approved by them, and they are hereby

authorized to summon and examine witnesses outside of those examined by the county judge as above provided for, if, in their judgment, any fact materially affecting the applicant's statements are not clearly set out and proven. It shall be the duty of the county judge and of the commissioners court to take down the evidence in writing of all witnesses examined by them, or either of them, which shall be done under the direction of the county judge when taken before him, and under the direction of the commissioners when taken before them, which shall be paid for by the applicant at the rate of five cents per one hundred words; provided, that the applicant is authorized to have such evidence taken down by his attorney or by such other person as he may employ under the contract of employment to secure him his pension; and, provided, that no greater fee than hereinafter provided shall be charged by such attorney or representative of such applicant; and the county judge shall certify to the written statement of the evidence when taken before him, and the commissioners shall certify to the same when taken before them. The application, affidavit and certified statement of the evidence, after the same have been approved by the county judge and by the commissioners court shall be forwarded to Comptroller of Public Accounts of the State of Texas. It shall be the duty of such Comptroller to appoint a competent person who shall be an ex-Confederate soldier or sailor, and who shall be designated as pension clerk, and who shall enter upon his duties immediately after such appointment and the passage of this act, and shall take charge of accounts and matters pertaining to this act, and shall keep a list of the applications for pensions sent to the Comptroller and who shall, with and under the direction of the Comptroller, examine all applications for pensions carefully and thoroughly, and shall see that such applications are made in strict compliance with the provisions of this act; and such pension clerk, with and under the direction of the Comptroller, shall pass upon the validity of such claims. Each female applicant shall state the name of her deceased husband, the date of her marriage and the date of his death; that she is unmarried and has so remained since the death of her husband, for whose services she claims a pension; and shall further state, as accurately as she can, the time her deceased husband rendered such service

and the command he served in, and any other accessible evidence that may prove or disprove the right of the applicant to claim a pension; and the county judge may require other proof of the statements made in such application, and if, in his opinion, the applicant has not established his or her legal right to a pension then he shall refuse said application and file reasons therefor in his office.

#### HOUSE BILL NO. 131.

On motion of Senator Looney, the pending order of business (House bill No. 20) was suspended, and the Senate took up, out of its order, House bill No. 131.

The Chair laid before the Senate, on second reading,

House bill No. 131, A bill to be entitled "An Act to amend Article 2989, Title LVI, of the Revised Civil Statutes, with respect to the granting of injunctions."

Senator Looney offered the following amendment, which was adopted:

Amend House bill No. 131 by adding Section 5, to read as follows:

"Sec. 5. The lateness in the session of the Legislature, the crowded condition of the calendars of both houses, creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days, and that this act be in force from and after its passage, and the same are so enacted."

Senator Harper offered the following amendment, which was adopted:

Amend the bill by adding the following sections:

"Sec. 2. Any party or parties to any civil suit wherein a temporary injunction may be granted or dissolved under any of the provisions of this title in term time or in vacation may appeal from the order of judgment granting or dissolving such injunction to the Court of Civil Appeals having jurisdiction of the case; provided, the transcript in such case shall be filed with the clerk of the Court of Civil Appeals not later than fifteen days after the entry of record of such order or judgment granting or dissolving such injunction.

"Sec. 3. It shall not be necessary to brief such case in the Court of Appeals or Supreme Court, and the case may be heard in the said courts on the bill and answer, and such affidavits and evidence as may have been admitted by the judge

granting or dissolving such injunction; provided, the appellant may file a brief in the Court of Appeals or Supreme Court upon furnishing the appellee with a copy thereof not later than two days before the case is called for submission in such court, and the appellee shall have until the day the case is called for submission to answer such brief.

"Sec. 4. Such case shall be advanced in the Court of Appeals or Supreme Court on motion of either party, and shall have priority over other cases pending in such courts."

Senator Looney offered the following amendment, which was adopted:

Amend the caption by adding thereto as follows: "And providing for appeals from judgments or orders of trial courts in such cases, and declaring an emergency."

Bill read second time, and passed to a third reading.

On motion of Senator Looney, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Alexander.	Holsey.
Barrett.	Kellie.
Brachfield.	Looney.
Chambers.	Mayfield.
Cunningham.	Senter.
Faust.	Skinner.
Glasscock.	Stone.
Green.	Veale.
Greer.	Watson.
Griggs.	Willacy.
Harper.	

Nays—3.

Grinnan.	Meachum.
Masterson.	

Absent.

Harbison.	Smith.
Hudspeth.	Stokes.
Murray.	Terrell.
Paulus.	

The bill was read third time, and passed by the following vote:

Yeas—19.

Alexander.	Greer.
Barrett.	Griggs.
Chambers.	Harper.
Cunningham.	Holsey.
Faust.	Kellie.
Glasscock.	Looney.
Green.	Mayfield.

Senter.  
Skinner.  
Smith.

Veale.  
Willacy.

Nays—6.

Brachfield.  
Grinnan.  
Masterson.

Meachum.  
Stone.  
Watson.

Absent.

Harbison.  
Hudspeth.  
Murray.

Paulus.  
Stokes.  
Terrell.

Senator Looney moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### HOUSE BILL NO. 372.

On motion of Senator Chambers, the pending order of business (House bill No. 20) was suspended, and the Senate took up, out of its order, House bill No. 372.

The Chair laid before the Senate, on second reading,

House bill No. 372, A bill to be entitled "An Act to amend Section 13, Chapter 4 of the Acts of the Twenty-eighth Legislature, defining and prohibiting trusts, monopolies and conspiracies, providing that any person violating the provisions of this act shall be punished by imprisonment."

Senator Chambers offered the following amendment, which was adopted:

Amend House bill No. 372 by adding:

"Section —. The large number of bills now pending before the Legislature creates an imperative public necessity and an emergency that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted."

Bill read second time, and passed to a third reading.

On motion of Senator Chambers, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Alexander.  
Barrett.  
Brachfield.  
Chambers.  
Cunningham.  
Faust.  
Glasscock.  
Green.

Greer.  
Griggs.  
Grinnan.  
Holsey.  
Kellie.  
Looney.  
Masterson.  
Mayfield.

Meachum.  
Murray.  
Senter.  
Skinner.  
Smith.

Stokes.  
Stone.  
Veale.  
Watson.  
Willacy.

Absent.

Harbison.  
Harper.  
Hudspeth.

Paulus.  
Terrell.

The bill was read third time, and passed.

Senator Chambers moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

#### SENATE BILL NO. 298.

On motion of Senator Meachum, the pending order of business (House bill No. 20) was suspended, and the Senate took up, out of its order, Senate bill No. 298.

The Chair laid before the Senate, on second reading,

Senate bill No. 298, A bill to be entitled "An Act to amend Title XVIII, Chapter 4 of the Revised Civil Statutes of the State of Texas, relative to cities and towns, by adding to said chapter an article to be known and designated as Article 483b, and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Meachum, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Alexander.  
Barrett.  
Brachfield.  
Chambers.  
Cunningham.  
Faust.  
Glasscock.  
Green.  
Greer.  
Griggs.  
Grinnan.  
Harper.  
Holsey.

Kellie.  
Looney.  
Masterson.  
Mayfield.  
Meachum.  
Senter.  
Skinner.  
Smith.  
Stokes.  
Stone.  
Veale.  
Watson.  
Willacy.

Absent.

Harbison.  
Hudspeth.  
Murray.

Paulus.  
Terrell.

The bill was read third time, and passed by the following vote:

## Yeas—24.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Cunningham.	Mayfield.
Faust.	Meachum.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Veale.
Harper.	Watson.
Holsey.	Willacy.

## Absent.

Chambers.	Paulus.
Harbison.	Stone.
Hudspeth.	Terrell.
Murray.	

Senator Meachum moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

## SENATE BILL NO. 297.

On motion of Senator Cunningham, the pending order of business (House bill No. 20) was suspended, and the Senate took up, out of its order, Senate bill No. 297.

The Chair laid before the Senate, on second reading,

Senate bill No. 297, A bill to be entitled "An Act to amend Articles 5058, 5059 and 5060, of Title CIV, Chapter 1, Revised Civil Statutes of 1895 of the State of Texas, and to add thereto Article 5058a."

On motion of Senator Cunningham, the committee report which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Cunningham, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

## Yeas—22.

Alexander.	Green.
Barrett.	Griggs.
Brachfield.	Grinnan.
Chambers.	Harper.
Cunningham.	Holsey.
Faust.	Kellie.

Looney.	Skinner.
Masterson.	Stone.
Mayfield.	Veale.
Meachum.	Watson.
Senter.	Willacy.

## Nays—3.

Greer.	Stokes.
Smith.	

## Absent.

Glasscock.	Murray.
Harbison.	Paulus.
Hudspeth.	Terrell.

The bill was read third time, and Senator Harper offered the following amendment:

Amend Article 5060 by striking out "twenty-four hundred," and insert "two thousand" in lieu thereof.

Senator Chambers moved to table the amendment, which motion to table, prevailed by the following vote:

## Yeas—19.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Meachum.
Chambers.	Senter.
Cunningham.	Skinner.
Faust.	Stokes.
Glasscock.	Veale.
Green.	Watson.
Griggs.	Willacy.
Kellie.	

## Nays—8.

Greer.	Mayfield.
Grinnan.	Murray.
Harper.	Smith.
Holsey.	Stone.

## Absent.

Harbison.	Paulus.
Hudspeth.	Terrell.

The bill was read third time, and passed.

Senator Cunningham moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.  
(Senator Looney in the chair.)

## SENATE BILL NO. 218.

On motion of Senator Stokes, the pending order of business (House bill No. 20) was suspended, and the Senate took up, out of its order, Senate bill No. 218.

SENATE BILL NO. 50 — HOUSE  
AMENDMENTS TO.

Senator Harper called up, as a privileged matter,

Senate bill No. 50, A bill to be entitled "An Act making it unlawful to deal in futures, post or publish future quotations, permit the use of property for such purposes, furnish telegraph or telephone messages relative to futures, permit telegraph or telephone wires, instruments or equipments to be used for transmitting or receiving such messages, or to remain in any place where such business is transacted and defining such offenses and prescribing penalties therefor and procedure in trials of such offenses, and to prohibit by writs of injunction the use of any property by any provisions of this act,"

For the purpose of concurring in the following House amendments:

## (1.)

Amend the bill by striking out all after the enacting clause and by inserting in lieu thereof the following:

"Section 1. A bucket shop, within the meaning of this act, is any place wherein dealing in futures is carried on contrary to any of the provisions of this act.

"Sec. 2. By each of the expressions 'futures,' 'dealing in futures' and 'future contracts,' as these terms are used in this act is meant

"First. A sale or purchase, or contract to sell or purchase, or any offer to sell or purchase any cotton, grain, meat, lard or any stocks or bonds of any corporation to be delivered in the future where it was not the bona fide intention of the party being prosecuted under this act, at the time that such sale, contract, purchase or offer to sell or purchase was made that the thing mentioned in such transaction should be delivered and paid for as specified in such transaction.

"Second. Any such sale, purchase, offer or contract where it was the intention of the party being prosecuted hereunder at the time of making such contract or offer that the same should, or, at the option of either party might be settled by paying or receiving a margin or profit on such contract.

"Third. Any purchase, sale or offer of sale or purchase, or contract for future delivery of any of the things mentioned in this section of this act on, by or through any exchange or board of trade, the rules, by-laws, customs or reg-

ulations of which permit such contract or transaction to be settled or closed by delivery or tender of any grade or grades of the thing mentioned in such contract or transaction, other than the grade upon which the price is based in said transaction, at any price other than the actual price for spot delivery of such other grade or grades at the time and place of actual delivery or tender.

"Sec. 3. If any person shall, either directly or indirectly, carry on or conduct, or be in anywise interested in carrying on or conducting any bucket shop, he shall be punished by two years confinement in the penitentiary.

"Sec. 4. If any owner or person in the management or control of any property shall knowingly rent or lease the same to be used as a bucket shop, or shall knowingly permit the same to be so used, he shall be fined not less than \$100 nor more than \$2000, and may in addition thereto be confined in the county jail not less than one nor more than six months.

"Sec. 5. If any person shall act or offer to act as the agent or broker of any other person in making or offering to make any future contract, he shall be fined not less than \$100 nor more than \$2000, and shall be confined in the county jail not less than one nor more than six months.

"Sec. 6. If any person shall make or offer to make for himself any future contract, he shall be fined not less than \$100 nor more than \$500, and may be confined in the county jail not less than ten nor more than thirty days; provided, it may be shown in defense of any prosecution under this section of this act that the transaction out of which such prosecution arose was a "hedging" contract between parties in this State and a party or parties without this State, and if such contract was made in whole or in part by any message sent by telegraph or telephone, that such message was delivered to the telegraph or telephone company sending the same by the defendant himself, and not through or by any broker or agent, and that such company rendering such service was a common carrier, exclusively so engaged, with no direct or indirect connection with or interest in such transaction other than the transmission of such message and receiving the charges therefor, which are not in excess of the usual rate for commercial messages between the points of transmission and receipt of such message.

"Sec. 7. If any telegraph or telephone

company, or any agent thereof, shall knowingly permit any telegraph or telephone wire, or instrument to remain in any bucket shop or shall knowingly permit any of the wires, instruments, or equipments of such telegraph or telephone company to be used by any person engaged in any business rendered unlawful by this act, whether or not the same be leased by the person or persons so illegally using the same, such company or agent shall be fined not less than \$100 nor more than \$1000, and each day that this section of this act is violated shall constitute a separate offense.

"Sec. 8. In any prosecution under this act in which it shall be a material issue as to whether or not in the offer to or contract to sell or purchase for future delivery anything mentioned in this act, it was the intention of the defendant that such thing should be delivered and paid for in accordance with the terms of such offer or contract, proof by the State that such contract was for the future delivery of such thing, shall constitute a prima facie case for the State on this issue, and the burden shall be upon the defendant to prove that the thing so contracted for, or offered to be contracted for was in fact delivered in accordance with the terms of such contract, or that it was the bona fide intention of the defendant at the time of making such contract that such thing should be so delivered, and the court trying the case shall so charge the jury.

"Sec. 9. If in any prosecution under this act it shall be a material issue as to whether or not the rules, regulations, by-laws or custom of any exchange or board of trade, on, by or through which any contract or offer for future delivery was made, permitted such contract or transaction to be settled or closed by the delivery or tender of any grade or grades of the thing mentioned in such contract or transaction, other than the grade upon which the price was based in said transaction, at any price other than the actual price for spot delivery of such other grade or grades at the time and place of such delivery or tender, proof that the same was made or offered or pretended to be made by, through or upon any exchange or board of trade, shall constitute a prima facie case for the State.

"Sec. 10. No person shall be exempt from testifying as to any violation of any of the provisions of this act by reason of being himself guilty of such violation, but no person called by the State

or a grand jury to testify shall be prosecuted for any violation of any of the provisions of this act testified to by such person.

"Sec. 11. The habitual use, actual, threatened or contemplated of any premises, place or building or telegraph or telephone wires or instruments in violation of any of the prohibitions of this act, shall be enjoined at the suit of either the State or any citizen thereof.

"Sec. 12. The Attorney General or the several district and county attorneys shall prosecute all suits deemed by them necessary to enjoin such use; provided, that nothing herein shall prevent such injunction from issuing at the suit of any citizen of this State who may sue in his own name, and such citizen shall not be required to show that he is personally injured by the acts complained of.

"Sec. 13. The procedure in all cases brought under the two preceding sections of this act shall be the same as in other suits for injunction as near as may be; provided, that when such suit is brought by any district or county attorney or by the Attorney General, the petition for injunction need not be verified.

"Sec. 14. The fact that there is now no adequate law to prevent dealing in futures, and the further fact that the prices of agricultural and farm products are greatly depressed by such gambling transactions and that such transactions are against good morals and contrary to public policy, and the fact of the near approach of the final adjournment of the present session of the Legislature creates an imperative public necessity that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended and that this bill take effect from and after its passage, and it is so enacted."

(2.)

Amend the caption of the bill by striking out all after the words "An Act to prohibit bucket shops," and insert in lieu thereof the following:

"To define 'bucket shops'; to define 'futures,' 'dealing in futures' and 'future contracts'; to prohibit the making of future contracts, except as herein provided; to prohibit renting property to be used for carrying on bucket shops, or knowingly permitting the same to be used; to prohibit any one from acting as the agent or broker of any other person in making any future contract; to prohibit any person from making any



future contract for himself; to prohibit telegraph or telephone companies from allowing their wires or instruments to be used by or remain in any bucket shop; to prescribe penalties for the violation of this act; to provide for procedure in the trial of causes arising under this act, and to exempt from prosecutions persons testifying as to violations of this act."

Senator Alexander moved, as a substitute, that the amendments be printed in the Journal, and further consideration of the bill be postponed until tomorrow.

Senator Harper moved to table the substitute motion, and the motion to table prevailed by the following vote:

## Yeas—16.

Barrett.	Holsey.
Brachfield.	Hudspeth.
Cunningham.	Looney.
Glasscock.	Mayfield.
Green.	Murray.
Greer.	Skinner.
Grinnan.	Stone.
Harper.	Veale.

## Nays—10.

Alexander.	Masterson.
Chambers.	Meachum.
Faust.	Stokes.
Griggs.	Watson.
Kellie.	Willacy.

## Absent.

Harbison.	Smith.
Paulus.	Terrell.
Senter.	

The reading of the amendments was called for, and pending the reading of them, Senator Chambers moved that the further reading of the same be dispensed with.

The motion was lost, and the amendments were read.

Senator Skinner moved the previous question on the pending motion to concur, which was duly seconded, and

Senator Meachum made the following point of order in writing:

Mr. President: The Senate being now about to act upon the motion to concur in House amendments to Senate bill No. 50, I make the point of order that a bill in substance the same as the House amendments to Senate bill No. 50, now about to be considered, has been heretofore duly considered and defeated by this Senate by a majority vote of its membership (all participating, either by their presence or by pair) during this session of the Legislature, and that, therefore, it is not in order for the Sen-

ate to now vote upon these amendments and that the enactment of these amendments into law would be in plain violation of Section 34, Article 111, of the State Constitution, and, if enacted into law, will be unconstitutional and void.

The Chair (Senator Looney) overruled the point of order.

Several other minor points of order were made, but overruled.

Action then recurred on the previous question on the motion to concur, which had been seconded, and the Senate refused to order same by the following vote:

## Yeas—13.

Barrett.	Harper.
Brachfield.	Hudspeth.
Cunningham.	Looney.
Glasscock.	Mayfield.
Green.	Skinner.
Greer.	Veale.
Grinnan.	

## Nays—15.

Alexander.	Murray.
Chambers.	Senter.
Faust.	Smith.
Griggs.	Stokes.
Holsey.	Stone.
Kellie.	Watson.
Masterson.	Willacy.
Meachum.	

## Absent.

Harbison.	Terrell.
Paulus.	

Senator Smith then moved, as a substitute, that the Senate do not concur in the House amendments, but adhere to the Senate bill.

Pending discussion on the motions, Senator Harper moved the previous question on the pending motions, which was duly seconded, and was so ordered.

Senator Meachum here made the same point of order previously made, and the same was overruled.

Senator Senter offered the following point of order, which was overruled:

Upon the consideration of the House amendments to the above bill, I submit the following point of order:

That said amendments can not be lawfully adopted, and the Senate can not concur in the same without violating the provisions of Article 3, Section 30, of the Constitution of Texas, because the House amendments materially and radically change the original purpose of the Senate bill as expressed in its caption and its terms.

Action then recurred on the substitute

motion by Senator Smith to non-concur in the House amendments, and the same was lost by the following vote:

Yeas—13.

Alexander.	Senter.
Chambers.	Smith.
Faust.	Stokes.
Griggs.	Stone.
Kellie.	Watson.
Masterson.	Willacy.
Meachum.	

Nays—13.

Barrett.	Holsey.
Brachfield.	Hudspeth.
Cunningham.	Looney.
Green.	Mayfield.
Greer.	Skinner.
Grinnan.	Veale.
Harper.	

Absent.

Terrell.

PAIRED.

Senator Harbison (absent), who would vote "yea," with Senator Glasscock (present), who would vote "nay."

Senator Paulus (absent), who would vote "yea," with Senator Murray (present), who would vote "nay."

#### HOUSE BILL NO. 112—FREE CONFERENCE COMMITTEE ON.

The Chair (Senator Looney) here appointed the following Free Conference Committee on House bill No. 112: Senators Skinner, Green, Chambers, Hudspeth and Barrett.

#### RESOLUTION SIGNED.

The Chair (President Pro Tem. Skinner) gave notice of signing, and did sign in the presence of the Senate, after its caption had been read,

Senate Concurrent Resolution No. 19, Authorizing the refund of certain moneys, out of certain funds, to J. I. Holland, etc.

#### ADJOURNMENT.

On motion of Senator Harper, the Senate, at 6:45 o'clock, adjourned until tomorrow morning at 10 o'clock by the following vote:

Yeas—15.

Barrett.	Green.
Brachfield.	Greer.
Cunningham.	Grinnan.
Glasscock.	Harper.

Holsey.	Skinner.
Hudspeth.	Stokes.
Looney.	Veale.
Mayfield.	

Nays—13.

Alexander.	Murray.
Chambers.	Senter.
Faust.	Smith.
Griggs.	Stone.
Kellie.	Watson.
Masterson.	Willacy.
Meachum.	

Absent.

Harbison.	Terrell.
Paulus.	

#### APPENDIX.

#### INVITATION.

To the President and Members of the Senate:

You are respectfully invited to attend a musical recital at the Institute for the Blind this evening at 8:30 o'clock.

Respectfully,

S. L. HORNBEAK.

Senator Harper moved that the Senate accept the invitation, and the motion prevailed.

#### COMMITTEE REPORTS.

(Floor Report.)

Committee Room,  
Austin, Texas, April 6, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 1, to whom was referred

House bill No. 531, A bill to be entitled "An Act defining the duties of the Attorney General with reference to the examination and approval of articles of incorporation of proposed corporations and amendments of articles of incorporation and of applications of foreign corporations for a permit to do business within this State, and providing for a certificate of such examination and approval, and prohibiting the filing of such articles of incorporation of such permit in the absence of such certificates, and requiring the payment of certain fees of such examination, and prescribing the manner of payment of all such fees, repealing all laws and parts of laws in conflict with this act, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, with the following amendment, and be not printed:

Amend the caption so as to hereafter read as follows:

A bill to be entitled "An Act providing for the appointment of a legal examiner for the Department of State; fixing his salary and prescribing certain fees for the legal examinations of charters and permits, out of which such salary is to be paid, and providing for the disposition of such fees in excess of such salary, regulating the filing of charters and the issuance of permits, and declaring an emergency."

Stone, Chairman; Chambers, Master-son, Green, Brachfield, Senter, Skinner.

(Floor Report.)

Committee Room,  
Austin, Texas, April 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Judiciary Committee No. 2, to whom was referred

House bill No. 198, A bill to be entitled "An Act providing for the levy and collection of an occupation tax upon commercial travelers, drummers and salesmen soliciting trade in intoxicating liquors in local option territory,"

Have had the same under consideration, and we report the same back to the Senate with the recommendation that it do pass, and be not printed.

Looney, Chairman; Stokes, Cunningham, Alexander, Hudspeth, Watson, Greer.

(Floor Report.)

Committee Room,  
Austin, Texas, April 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, the undersigned members of your Committee on State Affairs, to whom was referred

House bill No. 426, A bill to be entitled "An Act to authorize the directors of the Agricultural and Mechanical College of Texas to lease thirty acres of land located in Brazos county, Texas, for the purpose of erecting a brick plant on said land,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Green, Acting Chairman; Senter, Holsey, Brachfield, Greer, Murray, Smith.

(Floor Report.)

Committee Room,  
Austin, Texas, April 6, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

House bill No. 312, A bill to be entitled "An Act to restore to and confer upon the county court of Kimble county the civil and criminal jurisdiction belonging to such courts under the Constitution and general statutes of the State; to conform the jurisdiction of the district court of said county to such change, and to repeal all laws in conflict with this act so far as relates to Kimble county,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass, and be not printed.

Watson, Chairman; Hudspeth, Veale, Barrett, Griggs, Willacy, Harper.

(Floor Report.)

Committee Room,  
Austin, Texas, April 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

House bill No. 147, A bill to be entitled "An Act to amend Sections 36, 37 and 40 of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to county supervision of public schools,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Barrett, Chairman; Meachum, Green, Glasscock, Kellie, Harper, Senter.

(Floor Report.)

Committee Room,  
Austin, Texas, April 6, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Finance Committee, to whom was referred

House bill No. 435, A bill to be entitled "An Act providing that no error, informality, defect or omission in any of the proceedings for the levying, assessment or collection of any taxes, or in the advertising of or reporting of any

property as delinquent in taxes, and providing that parol evidence may be used in a suit for taxes to identify the property referred to in the tax records, and declaring an emergency,"

Have had the same under consideration, and we report the same back to the Senate with the recommendation that it do pass, and be not printed.

Willacy, Chairman; Green, Murray, Stokes, Masterson, Skinner.

(Floor Report.)

Committee Room,  
Austin, Texas, April 6, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

House bill No. 690, A bill to be entitled "An Act to render more efficient the present road law in the State of Texas in its application and operation in the county of Lee,"

Have had the same under consideration, and we report it back to the Senate with the recommendation that it do pass, and be not printed.

Green, Chairman; Glasscock, Mayfield, Meachum, Veale, Harper, Senter, Watson.

(Floor Report.)

Committee Room,  
Austin, Texas, April 5, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Public Lands and Land Office, to whom was referred

Senate bill No. 319, A bill to be entitled "An Act amending Articles 730 and 731 of Chapter 15, Title XXI of the Revised Statutes of Texas, authorizing certain corporations to construct, own and maintain upon the Gulf coast of Texas, in connection with deep water harbors and navigable channels, docks, wharves and navigable channels for the accommodation of commerce; prescribing their rights, privileges and duties, and regulating their charges; subjecting such corporations to control and regulation by the Railroad Commission of Texas; declaring any railroad or other means of transportation between the mainland and any such deep water harbor or channel a public highway, and subjecting same as a railroad to control and regulation by said Railroad Commission; prohibiting discrimination; providing penal-

ties for violation of the provisions of this act, repealing Articles 726, 727, 728, 729 and 732 of said Chapter 1, Title XXI; repealing Chapter 38 of the General Laws of the Twenty-fourth Legislature and Chapter 64 of the General Laws of the Twenty-fifth Legislature and Chapter 160 of the General Laws of the Twenty-fifth Legislature and any and all laws and parts of laws authorizing or permitting any corporation organized under the laws of Texas which is now authorized or which may hereafter be authorized by an act of Congress of the United States to construct, own, operate or maintain, with private capital, a deep water harbor, navigable channel, docks or wharves on the Gulf coast of Texas, or the Aransas Pass Harbor Company to purchase from the State of Texas at two dollars per acre any public lands whatever, or any shore or island or shallow bay, or any flats or shoal waters belonging to the State of Texas, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

Murray, Chairman; Alexander, Hudson, Kellie, Green.

Committee Room,  
Austin, Texas, April 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 304, A bill to be entitled "An Act to allow any person, firm, company or corporation hereafter required to pay a tax for the year 1907 for pursuing any occupation upon which the tax is repealed by an act of the Thirtieth Legislature of the State of Texas, entitled 'An Act to repeal Subdivision one (1), five (5), six (6), eight (8), eleven (11), twelve (12), thirty-one (31), thirty-three (33), thirty-eight (38), fifty-one (51), fifty-five (55), fifty-nine (59) and to amend Subdivision thirteen (13) of Section one (1) of an act entitled "An Act to amend Article 5049, Chapter one (1), Title one hundred and four (104) of the Revised Civil Statutes, relating to general occupation taxes," Chapter eighteen (18) of the Acts of the First Special Session of the Twenty-fifth Legislature, relating to taxes on certain occupations,' approved March 21, 1907, to pay such taxes for that portion of the year 1907 unexpired

at the date when such person, firm, company or corporation became liable for such taxes, and declaring an emergency,"

And find the same correctly engrossed.  
CUNNINGHAM, Chairman.

Committee Room,  
Austin, Texas, April 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 317, A bill to be entitled "An Act to authorize, enable and permit the territory situated within the bounds of the city of Dalhart, in the county of Dallam and State of Texas, and other land and territory adjacent thereto to incorporate as an independent school district, for free school purposes only, to be known as the Dalhart Independent School District, with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages, for free school purposes only, and declaring an emergency,"

And find the same correctly engrossed.  
CUNNINGHAM, Chairman.

Committee Room,  
Austin, Texas, April 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 297, A bill to be entitled "An Act to amend Articles 5058, 5059 and 5060 of Title CIV, Chapter 1, Revised Civil Statutes of 1895 of the State of Texas, and to add thereto Article 5058a, and declaring an emergency,"

And find the same correctly engrossed.  
CUNNINGHAM, Chairman.

Committee Room,  
Austin, Texas, April 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 298, A bill to be entitled "An Act to amend Title XVIII, Chapter 4, of the Revised Civil Statutes of the State of Texas, relative to cities and towns, by adding to said chapter an article to be known and designated as Article 483b, and declaring an emergency,"

And find the same correctly engrossed.  
CUNNINGHAM, Chairman.

# SIXTY-EIGHTH DAY.

Senate Chamber,  
Austin, Texas,  
Tuesday, April 9, 1907.

Senate met pursuant to adjournment.  
President Pro Tem. Skinner in the chair.

Roll call, quorum present, the following Senators answering to their names:

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Mayfield.
Cunningham.	Meachum.
Faust.	Murray.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harper.	Veale.
Holsey.	Watson.
Hudspeth.	Willacy.

Absent.

Harbison.	Terrell.
Paulus.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Monday, on motion of Senator Meachum, the same was dispensed with.

(See Appendix for committee reports, petitions and memorials.)

There being no bills and resolutions, the Chair declared the morning call concluded.

## SENATE BILL NO. 50 — HOUSE AMENDMENTS CONCURRED IN.

The pending question before the Senate was the motion to concur in the House amendments to Senate bill No. 50, the previous question having been ordered on the motion.

Senator Alexander made the point of order that when the Senate adjourned that the previous question was dissolved.

The point of order was overruled.

The motion to concur in the House amendments to Senate bill No. 50 was adopted by the following vote:

Yeas—13.

Barrett.	Grinnan.
Brachfield.	Harper.
Cunningham.	Holsey.
Green.	Hudspeth.
Greer.	Looney.